IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15269 of 2003

Between:

V.Nageswara Rao s/o. Subrahmanyam
Komaragiripatnam No.2 Primary Agricultural Cooperative Society Ltd., Komaragiripatnam Allavaram, E.G.Dist.

..... PETITIONER

AND

1 The Government of A.P., Cooperation Department, rep.by its Secretary Secretariat Hyderabad
2 The Registrar of Coop.Societies, Nampally, Hyderabad
3 The District Coop.officer Kakinada, E.G.Dist.
4 The Divisional Cooperative officer, Amalapuram, E.G.District.
5 Komaragiripatnam No.2 Primary Agricultural Cooperative Society Ltd., Komaragiripatnam, East Godavari Dist., rep., by Chairman/Person-in-charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction, more particularly one in the nature of writ of Mandamus declaring the resolution passed by the 5th respondent society dated 28-6-2003 vide Resolution No.1 is illegal, arbitrary and contrary to section 31-A(12) of the A.P.Co-operative societies Act and set aside the same and pass such other order or orders

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for Respondent Nos. 1 to 4:GP FOR COOPERATION

Counsel for the Respondent No.5 : MR.C.V.MOHAN REDDY

The Court made the following :

ORAL ORDER:

The petitioner is working as a Paid Secretary in the 5th respondent-Primary Agricultural Co-operative Society (for short 'PACS'). The said PACS, by the resolution dated 28-06-2003 of its Managing Committee, reduced from Rs. 8,200-00 to Rs. 3,712-00 per month the salary of the petitioner. This reduction was affected in view of the financial position of the 5th respondent-PACS and the obligation to structure its establishment expenditure in accordance with the mandatory provisions of Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act'). It is also the grievance of the petitioner that since April, 2003, the 5th respondent-PACS is not paying any salary to him. It is neither pleaded nor established that the State Government owes any liability for payment of salary to the petitioner. This liability is that of the 5th respondent-PACS alone. It is neither pleaded nor established that the 5th respondent is a State within the meaning of Article 12 of the Constitution of India. In the above circumstances, the writ petition itself is not maintainable and no relief could be granted to the petitioner herein. The writ petition is accordingly dismissed. The petitioner is, however, at liberty to pursue alternative remedy as is available in law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*s

To

1 The Secretary, the Government of A.P., Cooperation Department,
Secretariat Hyderabad
2 The Registrar of Coop.Societies, Nampally, Hyderabad
3 The District Coop.officer Kakinada, E.G.Dist.
4 The Divisional Cooperative officer, Amalapuram, E.G.District.
5 The Chairman/Person-in-charge, Komaragiripatnam No.2 Primary Agricultural Cooperative Society Ltd.,
Komaragiripatnam, East Godavari Dist.,

6.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

7.2CD copies